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as Chief of Police of Andover Township

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
NEWARK, NEW JERSEY**

ISRAEL ALBERT ALMEIDA and MICHAEL R.  
TUMMINELLI,

Plaintiffs,

v.

THE HON. N. PETER CONFORTI, in his Official  
Capacity as Judge of the Superior Court of Sussex  
County; SHAINA BRENNER, in her Official  
Capacity as Sussex County Prosecutor; CHIEF  
ERIC DANIELSON, in his Official Capacity as  
Chief of Police of Andover Township; THE HON.  
CARMEN H. ALVAREZ, in her Official Capacity  
as Judge of the Superior Court of New Jersey,  
Appellate Division; and THE HON. MARIE P.  
SIMONELLI, in her Official Capacity as Superior  
Court of New Jersey, Appellate Division;  
MICHAEL S. RICHARDS, in his Official Capacity  
as Chief of Police Newton, New Jersey; ROBERT  
LOUGY, in his Official Capacity as Acting  
Attorney General of New Jersey; SUSSEX  
COUNTY, New Jersey; and JOHN DOES 1-50,  
Defendants.

Civil Action No.:  
16-CV-03411-KM-JBC

**ANSWER AND SEPARATE  
DEFENSES**

Chief Eric Danielson, in his official capacity as Chief of Police of Andover Township  
(hereinafter "Defendant Danielson"), by way of his Answer to Plaintiffs' Complaint, herein,  
says:

1. Defendant Danielson makes no answer to paragraph 1 of the Complaint since this paragraph makes no factual or legal allegation against this Defendant. Notwithstanding the lack of any allegation as to this Defendant, Defendant Danielson asserts that the applicable statutes and regulations speak for themselves as to the information set forth in this paragraph.
2. Defendant Danielson makes no answer to paragraph 2 of the Complaint since this paragraph makes no factual or legal allegation against this Defendant. Notwithstanding the lack of any allegation as to this Defendant, Defendant Danielson asserts that the applicable statutes and regulations speak for themselves as to the information set forth in this paragraph.
3. Defendant Danielson makes no answer to paragraph 3 of the Complaint since this paragraph makes no factual or legal allegation against this Defendant. Notwithstanding the lack of any allegation as to this Defendant, Defendant Danielson asserts that the applicable statutes and regulations speak for themselves as to the information set forth in this paragraph.
4. Defendant Danielson makes no answer to paragraph 4 of the Complaint since this paragraph makes no factual or legal allegation against this Defendant. Notwithstanding the lack of any allegation as to this Defendant, Defendant Danielson asserts that the applicable statutes and regulations speak for themselves as to the information set forth in this paragraph.
5. Defendant Danielson makes no answer to paragraph 5 of the Complaint since this paragraph makes no factual or legal allegation against this Defendant. Notwithstanding the lack of any allegation as to this Defendant, Defendant Danielson asserts that the applicable statutes and regulations speak for themselves as to the information set forth in this paragraph.
6. Defendant Danielson makes no answer to paragraph 6 of the Complaint since this paragraph makes no factual or legal allegation against this Defendant. Notwithstanding the lack of any allegation as to this Defendant, Defendant Danielson asserts that the applicable statutes and regulations speak for themselves as to the information set forth in this paragraph.
7. Defendant Danielson makes no answer to paragraph 7 of the since this paragraph makes no factual or legal allegation against this Defendant. Notwithstanding the lack of any allegation as to this Defendant, Defendant Danielson asserts that the applicable statutes and regulations speak for themselves as to the information set forth in this paragraph.
8. Defendant Danielson makes no answer to paragraph 8 of the Complaint since this paragraph makes no factual or legal allegation against this Defendant. Notwithstanding the lack of any allegation as to this Defendant, Defendant Danielson asserts that the applicable statutes, regulations and case law speak for themselves as to the information set forth in this paragraph.
9. Defendant Danielson makes no answer to paragraph 9 of the Complaint since this paragraph makes no factual or legal allegation against this Defendant. Notwithstanding the lack of any allegation as to this Defendant, Defendant Danielson asserts that the applicable statutes and regulations speak for themselves as to the information set forth in this paragraph.
10. Defendant Danielson makes no answer to paragraph 10 of the Complaint since this paragraph makes no factual or legal allegation against this Defendant. Notwithstanding

- the lack of any allegation as to this Defendant, Defendant Danielson asserts that the applicable statutes, regulations and case law speak for themselves as to the information set forth in this paragraph.
11. Defendant Danielson makes no answer to paragraph 11 of the Complaint since this paragraph makes no factual or legal allegation against this Defendant. Notwithstanding the lack of any allegation as to this Defendant, Defendant Danielson asserts that the applicable statutes and regulations speak for themselves as to the information set forth in this paragraph.
  12. Defendant Danielson makes no answer to paragraph 12 of the Complaint since this paragraph makes no factual or legal allegation against this Defendant. Notwithstanding the lack of any allegation as to this Defendant, Defendant Danielson asserts that the United States Constitution speaks for itself as to the information set forth in this paragraph.
  13. Defendant Danielson makes no answer to paragraph 13 of the Complaint since this paragraph makes no factual or legal allegation against this Defendant. Notwithstanding the lack of any allegation as to this Defendant, Defendant Danielson asserts that the case cited speaks for itself as to the information set forth in this paragraph.
  14. Defendant Danielson makes no answer to paragraph 14 of the Complaint since this paragraph makes no factual or legal allegation against this Defendant. Notwithstanding the lack of any allegation as to this Defendant, Defendant Danielson asserts that the case cited speaks for itself as to the information set forth in this paragraph.
  15. Defendant Danielson makes no answer to paragraph 15 of the Complaint since this paragraph makes no factual or legal allegation against this Defendant. Notwithstanding the lack of any allegation as to this Defendant, Defendant Danielson asserts that the case cited speaks for itself as to the information set forth in this paragraph.
  16. To the extent that the allegations contained in Paragraph 16 of the Complaint apply to Defendant Danielson and Plaintiff Almeida, Defendant Danielson denies those allegations.
  17. To the extent that they apply to this Defendant, Defendant Danielson denies the allegations contained in paragraph 17 of the Complaint.
  18. To the extent that the allegations contained in Paragraph 18 of the Complaint apply to Defendant Danielson and Plaintiff Almeida, Defendant Danielson denies those allegations.
  19. Defendant Danielson makes no answer to paragraph 19 of the Complaint since this paragraph makes no factual or legal allegation against this Defendant. Notwithstanding the lack of any allegation as to this Defendant, Defendant Danielson asserts that the Executive Order speaks for itself as to the information set forth in this paragraph.
  20. Defendant Danielson makes no answer to paragraph 20 of the Complaint since this paragraph makes no factual or legal allegation against this Defendant. Notwithstanding the lack of any allegation as to this Defendant, Defendant Danielson asserts that the while it holds no precedential value to this Court, the Report speaks for itself as to the information set forth in this paragraph.
  21. Defendant Danielson makes no answer to paragraph 21 of the Complaint since this paragraph makes no factual or legal allegation against this Defendant. Notwithstanding the lack of any allegation as to this Defendant, Defendant Danielson asserts that the while

- it holds no precedential value to this Court, the Report speaks for itself as to the information set forth in this paragraph.
22. Defendant Danielson makes no answer to paragraph 22 of the Complaint since this paragraph makes no factual or legal allegation against this Defendant. Notwithstanding the lack of any allegation as to this Defendant, Defendant Danielson asserts that the while it holds no precedential value to this Court, the Report speaks for itself as to the information set forth in this paragraph.
23. Defendant Danielson makes no answer to paragraph 23 of the Complaint since this paragraph makes no factual or legal allegation against this Defendant. Notwithstanding the lack of any allegation as to this Defendant, Defendant Danielson asserts that the while it holds no precedential value to this Court, the Report speaks for itself as to the information set forth in this paragraph.
24. Defendant Danielson makes no answer to paragraph 24 of the Complaint since this paragraph makes no factual or legal allegation against this Defendant. Notwithstanding the lack of any allegation as to this Defendant, Defendant Danielson asserts that the while it holds no precedential value to this Court, the Report speaks for itself as to the information set forth in this paragraph.
25. Defendant Danielson makes no answer to paragraph 25 of the Complaint since this paragraph makes no factual or legal allegation against this Defendant. Notwithstanding the lack of any allegation as to this Defendant, Defendant Danielson asserts that the while it holds no precedential value to this Court, the Report speaks for itself as to the information set forth in this paragraph.

### **PARTIES**

26. Defendant Danielson lacks knowledge or information sufficient to form an opinion or belief as to the truth or falsity of the information contained in paragraph 26 of the Complaint, therefore Defendant makes no answer to same.
27. Defendant Danielson lacks knowledge or information sufficient to form an opinion or belief as to the truth or falsity of the information contained in paragraph 27 of the Complaint, therefore Defendant makes no answer to same.
28. Defendant Danielson lacks knowledge or information sufficient to form an opinion or belief as to the truth or falsity of the information contained in paragraph 28 of the Complaint, therefore Defendant makes no answer to same.
29. Defendant Danielson lacks knowledge or information sufficient to form an opinion or belief as to the truth or falsity of the information contained in paragraph 29 of the Complaint, therefore Defendant makes no answer to same.
30. Defendant Danielson lacks knowledge or information sufficient to form an opinion or belief as to the truth or falsity of the information contained in paragraph 30 of the Complaint, therefore Defendant makes no answer to same.
31. Defendant Danielson lacks knowledge or information sufficient to form an opinion or belief as to the truth or falsity of the information contained in paragraph 31 of the Complaint, therefore Defendant makes no answer to same.
32. Defendant Danielson lacks knowledge or information sufficient to form an opinion or belief as to the truth or falsity of the information contained in paragraph 32 of the Complaint, therefore Defendant makes no answer to same.

- 33. Defendant Danielson admits that he is the current Chief of the Township of Andover Police Department, having been appointed as such April 1, 2015, and that he is responsible for approving applications for permits to carry pursuant to applicable statute statutes and regulations.
- 34. Defendant Danielson lacks knowledge or information sufficient to form an opinion or belief as to the truth or falsity of the information contained in paragraph 34 of the Complaint, therefore Defendant makes no answer to same.
- 35. Defendant Danielson lacks knowledge or information sufficient to form an opinion or belief as to the truth or falsity of the information contained in paragraph 35 of the Complaint, therefore Defendant makes no answer to same.
- 36. Defendant Danielson lacks knowledge or information sufficient to form an opinion or belief as to the truth or falsity of the information contained in paragraph 36 of the Complaint, therefore Defendant makes no answer to same.
- 37. Defendant Danielson lacks knowledge or information sufficient to form an opinion or belief as to the truth or falsity of the information contained in paragraph 37 of the Complaint, therefore Defendant makes no answer to same.

### **JURISDICTION AND VENUE**

- 38. Defendant Danielson neither admits nor denies the allegations contained in the paragraph 38 of the Complaint and leaves Plaintiffs to their proofs as to same.
- 39. Defendant Danielson neither admits nor denies the allegations contained in the paragraph 39 of the Complaint and leaves Plaintiffs to their proofs as to same.
- 40. Defendant Danielson neither admits nor denies the allegations contained in the paragraph 40 of the Complaint and leaves Plaintiffs to their proofs as to same.

### **PLAINTIFF, ISRAEL ALBERT ALMEIDA**

- 41. Defendant Danielson lacks knowledge or information sufficient to form an opinion or belief as to the truth or falsity of the information contained in paragraph 41 of the Complaint, therefore Defendant neither admits nor denies these allegations and leaves Plaintiff to his proofs as to same.
- 42. Defendant Danielson lacks knowledge or information sufficient to form an opinion or belief as to the truth or falsity of the information contained in paragraph 42 of the Complaint, therefore Defendant neither admits nor denies these allegations and leaves Plaintiff to his proofs as to same.
- 43. Defendant Danielson lacks knowledge or information sufficient to form an opinion or belief as to the truth or falsity of the information contained in paragraph 43 of the Complaint, therefore Defendant neither admits nor denies these allegations and leaves Plaintiff to his proofs as to same.
- 44. Defendant Danielson lacks knowledge or information sufficient to form an opinion or belief as to the truth or falsity of the information contained in paragraph 44 of the Complaint, therefore Defendant neither admits nor denies these allegations and leaves Plaintiff to his proofs as to same.
- 45. Defendant Danielson lacks knowledge or information sufficient to form an opinion or belief as to the truth or falsity of the information contained in paragraph 45 of the Complaint,

- therefore Defendant neither admits nor denies these allegations and leaves Plaintiff to his proofs as to same.
46. Defendant Danielson lacks knowledge or information sufficient to form an opinion or belief as to the truth or falsity of the information contained in paragraph 46 of the Complaint, therefore Defendant neither admits nor denies these allegations and leaves Plaintiff to his proofs as to same.
47. Defendant Danielson lacks knowledge or information sufficient to form an opinion or belief as to the truth or falsity of the information contained in paragraph 47 of the Complaint, therefore Defendant neither admits nor denies these allegations and leaves Plaintiff to his proofs as to same.
48. Defendant Danielson lacks knowledge or information sufficient to form an opinion or belief as to the truth or falsity of the information contained in paragraph 48 of the Complaint, therefore Defendant neither admits nor denies these allegations and leaves Plaintiff to his proofs as to same.
49. Defendant Danielson lacks knowledge or information sufficient to form an opinion or belief as to the truth or falsity of the information contained in paragraph 49 of the Complaint, therefore Defendant neither admits nor denies these allegations and leaves Plaintiff to his proofs as to same.
50. Defendant Danielson lacks knowledge or information sufficient to form an opinion or belief as to the truth or falsity of the information contained in paragraph 50 of the Complaint, therefore Defendant neither admits nor denies these allegations and leaves Plaintiff to his proofs as to same.
51. Defendant Danielson lacks knowledge or information sufficient to form an opinion or belief as to the truth or falsity of the information contained in paragraph 51 of the Complaint, therefore Defendant neither admits nor denies these allegations and leaves Plaintiff to his proofs as to same.
52. Defendant Danielson lacks knowledge or information sufficient to form an opinion or belief as to the truth or falsity of the information contained in paragraph 52 of the Complaint, therefore Defendant neither admits nor denies these allegations and leaves Plaintiff to his proofs as to same.
53. Defendant Danielson lacks knowledge or information sufficient to form an opinion or belief as to the truth or falsity of the information contained in paragraph 53 of the Complaint, therefore Defendant neither admits nor denies these allegations and leaves Plaintiff to his proofs as to same.
54. Defendant Danielson lacks knowledge or information sufficient to form an opinion or belief as to the truth or falsity of the information contained in paragraph 54 of the Complaint, therefore Defendant neither admits nor denies these allegations and leaves Plaintiff to his proofs as to same.
55. Since he was not the Chief of Police at the time of the activities alleged in this paragraph and was not involved in the processing or handling of this application, Defendant Danielson lacks any specific knowledge or information regarding the information contained in paragraph 55 of the Complaint. However, based upon the records maintained by the Township of Andover Police Department, Defendant admits these allegations.
56. Since he was not the Chief of Police at the time of the activities alleged in this paragraph and was not involved in the processing or handling of this application, Defendant Danielson lacks any specific knowledge or information regarding the information contained

- in paragraph 56 of the Complaint. However, based upon the records maintained by the Township of Andover Police Department, Defendant admits these allegations.
57. Defendant Danielson lacks knowledge or information sufficient to form an opinion or belief as to the truth or falsity of the information contained in paragraph 57 of the Complaint, therefore Defendant neither admits nor denies these allegations and leaves Plaintiff to his proofs as to same.
  58. Defendant Danielson lacks knowledge or information sufficient to form an opinion or belief as to the truth or falsity of the information contained in paragraph 58 of the Complaint, therefore Defendant neither admits nor denies these allegations and leaves Plaintiff to his proofs as to same.
  59. Defendant Danielson lacks knowledge or information sufficient to form an opinion or belief as to the truth or falsity of the information contained in paragraph 59 of the Complaint, therefore Defendant neither admits nor denies these allegations and leaves Plaintiff to his proofs as to same.
  60. Defendant Danielson lacks knowledge or information sufficient to form an opinion or belief as to the truth or falsity of the information contained in paragraph 60 of the Complaint, therefore Defendant neither admits nor denies these allegations and leaves Plaintiff to his proofs as to same.
  61. Defendant Danielson lacks knowledge or information sufficient to form an opinion or belief as to the truth or falsity of the information contained in paragraph 61 of the Complaint, therefore Defendant neither admits nor denies these allegations and leaves Plaintiff to his proofs as to same.
  62. Defendant Danielson lacks knowledge or information sufficient to form an opinion or belief as to the truth or falsity of the information contained in paragraph 62 of the Complaint, therefore Defendant neither admits nor denies these allegations and leaves Plaintiff to his proofs as to same.
  63. Defendant Danielson lacks knowledge or information sufficient to form an opinion or belief as to the truth or falsity of the information contained in paragraph 63 of the Complaint, therefore Defendant neither admits nor denies these allegations and leaves Plaintiff to his proofs as to same.
  64. Defendant Danielson lacks knowledge or information sufficient to form an opinion or belief as to the truth or falsity of the information contained in paragraph 64 of the Complaint, therefore Defendant neither admits nor denies these allegations and leaves Plaintiff to his proofs as to same.
  65. Defendant Danielson lacks knowledge or information sufficient to form an opinion or belief as to the truth or falsity of the information contained in paragraph 65 of the Complaint, therefore Defendant neither admits nor denies these allegations and leaves Plaintiff to his proofs as to same.
  66. Defendant Danielson lacks knowledge or information sufficient to form an opinion or belief as to the truth or falsity of the information contained in paragraph 66 of the Complaint, therefore Defendant neither admits nor denies these allegations and leaves Plaintiff to his proofs as to same.
  67. Defendant Danielson lacks knowledge or information sufficient to form an opinion or belief as to the truth or falsity of the information contained in paragraph 67 of the Complaint, therefore Defendant neither admits nor denies these allegations and leaves Plaintiff to his proofs as to same.

68. Defendant Danielson lacks knowledge or information sufficient to form an opinion or belief as to the truth or falsity of the information contained in paragraph 68 of the Complaint, therefore Defendant neither admits nor denies these allegations and leaves Plaintiff to his proofs as to same.
69. Defendant Danielson lacks knowledge or information sufficient to form an opinion or belief as to the truth or falsity of the information contained in paragraph 69 of the Complaint, therefore Defendant neither admits nor denies these allegations and leaves Plaintiff to his proofs as to same.
70. Defendant Danielson lacks knowledge or information sufficient to form an opinion or belief as to the truth or falsity of the information contained in paragraph 70 of the Complaint, therefore Defendant neither admits nor denies these allegations and leaves Plaintiff to his proofs as to same.
71. Defendant Danielson lacks knowledge or information sufficient to form an opinion or belief as to the truth or falsity of the information contained in paragraph 71 of the Complaint, therefore Defendant neither admits nor denies these allegations and leaves Plaintiff to his proofs as to same.
72. Defendant Danielson lacks knowledge or information sufficient to form an opinion or belief as to the truth or falsity of the information contained in paragraph 72 of the Complaint, therefore Defendant neither admits nor denies these allegations and leaves Plaintiff to his proofs as to same.
73. Defendant Danielson lacks knowledge or information sufficient to form an opinion or belief as to the truth or falsity of the information contained in paragraph 73 of the Complaint, therefore Defendant neither admits nor denies these allegations and leaves Plaintiff to his proofs as to same.
74. Defendant Danielson lacks knowledge or information sufficient to form an opinion or belief as to the truth or falsity of the information contained in paragraph 74 of the Complaint, therefore Defendant neither admits nor denies these allegations and leaves Plaintiff to his proofs as to same.
75. Defendant Danielson lacks knowledge or information sufficient to form an opinion or belief as to the truth or falsity of the information contained in paragraph 75 of the Complaint, therefore Defendant neither admits nor denies these allegations and leaves Plaintiff to his proofs as to same.
76. Defendant Danielson lacks knowledge or information sufficient to form an opinion or belief as to the truth or falsity of the information contained in paragraph 76 of the Complaint, therefore Defendant neither admits nor denies these allegations and leaves Plaintiff to his proofs as to same.
77. Defendant Danielson lacks knowledge or information sufficient to form an opinion or belief as to the truth or falsity of the information contained in paragraph 77 of the Complaint, therefore Defendant neither admits nor denies these allegations and leaves Plaintiff to his proofs as to same.
78. Defendant Danielson denies the allegations contained in paragraph 78 of the Complaint, and leaves Plaintiff to his proofs as to same.
79. Defendant Danielson denies the allegations contained in paragraph 79 of the Complaint, and leaves Plaintiff to his proofs as to same.
80. Defendant Danielson admits that in his current role as Chief of the Township of Andover Police Department he is responsible for upholding all laws of the state of New Jersey,

including all those statutes and regulations applicable to handguns. Defendant Danielson denies the remaining allegations contained in paragraph 80 of the Complaint and leaves Plaintiff to his proofs as to same.

81. Defendant Danielson lacks knowledge or information sufficient to form an opinion or belief as to the truth or falsity of the information contained in paragraph 81 of the Complaint, therefore Defendant neither admits nor denies these allegations and leaves Plaintiff to his proofs as to same.
82. Defendant Danielson denies the allegations contained in paragraph 82 of the Complaint and leaves Plaintiff to his proofs as to same.

**PLAINTIFF, MICHAEL R. TUMMINELLI**

83. Defendant Danielson makes no answer to paragraph 83 of the Complaint since this paragraph makes no factual or legal allegation against or applicable to this Defendant.
84. Defendant Danielson makes no answer to paragraph 84 of the Complaint since this paragraph makes no factual or legal allegation against or applicable to this Defendant.
85. Defendant Danielson makes no answer to paragraph 85 of the Complaint since this paragraph makes no factual or legal allegation against or applicable to this Defendant.
86. Defendant Danielson makes no answer to paragraph 86 of the Complaint since this paragraph makes no factual or legal allegation against or applicable to this Defendant.
87. Defendant Danielson makes no answer to paragraph 87 of the Complaint since this paragraph makes no factual or legal allegation against or applicable to this Defendant.
88. Defendant Danielson makes no answer to paragraph 88 of the Complaint since this paragraph makes no factual or legal allegation against or applicable to this Defendant.
89. Defendant Danielson makes no answer to paragraph 89 of the Complaint since this paragraph makes no factual or legal allegation against or applicable to this Defendant.
90. Defendant Danielson makes no answer to paragraph 90 of the Complaint since this paragraph makes no factual or legal allegation against or applicable to this Defendant.
91. Defendant Danielson makes no answer to paragraph 91 of the Complaint since this paragraph makes no factual or legal allegation against or applicable to this Defendant.
92. Defendant Danielson makes no answer to paragraph 92 of the Complaint since this paragraph makes no factual or legal allegation against or applicable to this Defendant.
93. Defendant Danielson makes no answer to paragraph 93 of the Complaint since this paragraph makes no factual or legal allegation against or applicable to this Defendant.
94. Defendant Danielson makes no answer to paragraph 94 of the Complaint since this paragraph makes no factual or legal allegation against or applicable to this Defendant.
95. Defendant Danielson makes no answer to paragraph 95 of the Complaint since this paragraph makes no factual or legal allegation against or applicable to this Defendant.
96. Defendant Danielson makes no answer to paragraph 96 of the Complaint since this paragraph makes no factual or legal allegation against or applicable to this Defendant.
97. Defendant Danielson makes no answer to paragraph 97 of the Complaint since this paragraph makes no factual or legal allegation against or applicable to this Defendant.
98. Defendant Danielson makes no answer to paragraph 98 of the Complaint since this paragraph makes no factual or legal allegation against or applicable to this Defendant.
99. Defendant Danielson makes no answer to paragraph 99 of the Complaint since this paragraph makes no factual or legal allegation against or applicable to this Defendant.

- 100. Defendant Danielson makes no answer to paragraph 100 of the Complaint since this paragraph makes no factual or legal allegation against or applicable to this Defendant.
- 101. Defendant Danielson makes no answer to paragraph 101 of the Complaint since this paragraph makes no factual or legal allegation against or applicable to this Defendant.
- 102. Defendant Danielson makes no answer to paragraph 102 of the Complaint since this paragraph makes no factual or legal allegation against or applicable to this Defendant.
- 103. Defendant Danielson makes no answer to paragraph 103 of the Complaint since this paragraph makes no factual or legal allegation against or applicable to this Defendant.
- 104. Defendant Danielson makes no answer to paragraph 104 of the Complaint since this paragraph makes no factual or legal allegation against or applicable to this Defendant.
- 105. Defendant Danielson makes no answer to paragraph 105 of the Complaint since this paragraph makes no factual or legal allegation against or applicable to this Defendant.
- 106. Defendant Danielson makes no answer to paragraph 106 of the Complaint since this paragraph makes no factual or legal allegation against or applicable to this Defendant.
- 107. Defendant Danielson makes no answer to paragraph 107 of the Complaint since this paragraph makes no factual or legal allegation against or applicable to this Defendant.
- 108. Defendant Danielson makes no answer to paragraph 108 of the Complaint since this paragraph makes no factual or legal allegation against or applicable to this Defendant.

#### **COUNT I – VIOLATION OF THE SECOND AMENDMENT**

- 109. Defendant Danielson repeats and realleges each and every response to each and every allegation contained in paragraphs 1 through 108 of Plaintiff's Complaint as if fully set forth herein.
- 110. Defendant Danielson makes no answer to paragraph 110 of the Complaint since this paragraph makes no factual or legal allegation against this Defendant. Notwithstanding the lack of any allegation as to this Defendant, Defendant Danielson asserts that the applicable statutes and regulations speak for themselves as to the information set forth in this paragraph.
- 111. To the extent that it applies to this Defendant, Defendant Danielson denies the allegations contained in paragraph 111 of the Complaint and leaves Plaintiffs their proofs as to same.
- 112. To the extent that it applies to this Defendant, Defendant Danielson denies the allegations contained in paragraph 112 of the Complaint and leaves Plaintiffs their proofs as to same.
- 113. To the extent that it applies to this Defendant, Defendant Danielson denies the allegations contained in paragraph 113 of the Complaint and leaves Plaintiffs their proofs as to same.

#### **COUNT II – PROCEDURAL DUE PROCESS VIOLATION**

- 114. Defendant Danielson repeats and realleges each and every response to each and every allegation contained in paragraphs 1 through 113 of Plaintiff's Complaint as if fully set forth herein.
- 115. To the extent that it applies to this Defendant, Defendant Danielson denies the allegations contained in paragraph 115 of the Complaint and leaves Plaintiffs their proofs as to same.
- 116. To the extent that it applies to this Defendant, Defendant Danielson denies the allegations contained in paragraph 116 of the Complaint and leaves Plaintiffs their proofs as to same.

**COUNT III – ULTRA VIRES**

- 117. Defendant Danielson repeats and realleges each and every response to each and every allegation contained in paragraphs 1 through 116 of Plaintiff's Complaint as if fully set forth herein.
- 118. Defendant Danielson makes no answer to paragraph 118 of the Complaint since this paragraph makes no factual or legal allegation against this Defendant. Notwithstanding the lack of any allegation as to this Defendant, Defendant Danielson asserts that the applicable statutes and regulations speak for themselves as to the information set forth in this paragraph.
- 119. Defendant Danielson makes no answer to paragraph 119 of the Complaint since this paragraph makes no factual or legal allegation against this Defendant. Notwithstanding the lack of any allegation as to this Defendant, Defendant Danielson asserts that the applicable statutes and regulations speak for themselves as to the information set forth in this paragraph.
- 120. To the extent that it applies to this Defendant, Defendant Danielson denies the allegations contained in paragraph 120 of the Complaint and leaves Plaintiffs their proofs as to same.

**COUNT IV – ULTRA VIRES APPLICATION BY SUSSEX COUNTY**

- 121. Defendant Danielson repeats and realleges each and every response to each and every allegation contained in paragraphs 1 through 120 of Plaintiff's Complaint as if fully set forth herein.
- 122. Defendant Danielson makes no answer to paragraph 122 of the Complaint since this paragraph makes no factual or legal allegation against or applicable to this Defendant.
- 123. Defendant Danielson makes no answer to paragraph 123 of the Complaint since this paragraph makes no factual or legal allegation against or applicable to this Defendant.
- 124. Defendant Danielson makes no answer to paragraph 124 of the Complaint since this paragraph makes no factual or legal allegation against or applicable to this Defendant.
- 125. Defendant Danielson makes no answer to paragraph 125 of the Complaint since this paragraph makes no factual or legal allegation against or applicable to this Defendant.

**COUNT V – ULTRA VIRES APPLICATION BY THE COURT**

- 126. Defendant Danielson repeats and realleges each and every response to each and every allegation contained in paragraphs 1 through 125 of Plaintiff's Complaint as if fully set forth herein.
- 127. Defendant Danielson makes no answer to paragraph 127 of the Complaint since this paragraph makes no factual or legal allegation against or applicable to this Defendant.
- 128. Defendant Danielson makes no answer to paragraph 128 of the Complaint since this paragraph makes no factual or legal allegation against or applicable to this Defendant.
- 129. Defendant Danielson makes no answer to paragraph 129 of the Complaint since this paragraph makes no factual or legal allegation against or applicable to this Defendant.
- 130. Defendant Danielson makes no answer to paragraph 130 of the Complaint since this paragraph makes no factual or legal allegation against or applicable to this Defendant.

**COUNT VI – VIOLATION OF THE SECOND AMENDMENT TO SUSSEX COUNTY**

131. Defendant Danielson repeats and realleges each and every response to each and every allegation contained in paragraphs 1 through 130 of Plaintiff's Complaint as if fully set forth herein.
132. Defendant Danielson makes no answer to paragraph 132 of the Complaint since this paragraph makes no factual or legal allegation against or applicable to this Defendant.
133. Defendant Danielson makes no answer to paragraph 133 of the Complaint since this paragraph makes no factual or legal allegation against or applicable to this Defendant.

**COUNT VII – VIOLATION OF THE SECOND AMENDMENT – FACIAL CHALLENGE**

134. Defendant Danielson repeats and realleges each and every response to each and every allegation contained in paragraphs 1 through 134 of Plaintiff's Complaint as if fully set forth herein.
135. Defendant Danielson makes no answer to paragraph 135 of the Complaint since this paragraph makes no factual or legal allegation against or applicable to this Defendant.

**PRAYER FOR RELIEF**

**WHEREFORE**, Defendant Danielson requests judgment dismissing any and all counts contained within Plaintiffs' Complaint as they pertain to this Defendant, denying all requests contained in Plaintiffs' Prayer for Relief as they pertain to this Defendant, costs of suit, and such other relief that the Court deems equitable and just.

**SEPARATE DEFENSES**

1. Defendant Danielson is an improper party to this litigation as he was not the Chief of the Township of Andover Police Department at all time relevant herein.
2. Plaintiffs lack standing to pursue these claims against Defendant Danielson.
3. Plaintiffs' claims against Defendant Danielson are barred by the failure to state a claim against this Defendant upon which relief may be granted.
4. Plaintiffs' cause of action is barred by the applicable statutes of limitation.
5. Plaintiffs' cause of action is barred as to Defendant Danielson as this Defendant asserts all protections available under the doctrine of qualified immunity.
6. Plaintiffs have failed to join all indispensable parties.
7. Plaintiffs' claims against Defendant Danielson are barred by Title 59:1 *et seq.*, the New Jersey Tort Claims Act.
8. Defendant Danielson was a public employee, being sued in such role, within the contemplation of the New Jersey Tort Claims Act, is entitled to all of the provisions, immunities, exemptions and limitations of said Act, and consequently, is not liable to the Plaintiff, or if liable, only as limited by the Act.
9. Defendant Danielson reserves the right to amend his Answer and to assert additional defenses and/or supplement, alter and change the Answer upon the revelation of more definite facts by Plaintiff, and completion of further discovery and investigation.

10. Defendant Danielson reserves the right to move at or before trial to strike the Complaint as to this Defendant on the grounds that Plaintiffs failed to state a cause of action as a matter of law.
11. Defendant Danielson violated no legal duty owed to Plaintiffs.
12. Defendant Danielson reserves the right to move before the Court for an Order severing any and all of Plaintiffs' claims against this Defendant from any other alleged parties or claims.
13. Defendant Danielson includes all separate defenses applicable in this matter which have been raised by any other Defendant or third party defendant in this matter, as if fully set forth herein, and makes the same, to such extent that it does not imply liability as to this Defendant, jointly and severally, this Defendant's defenses.
14. This action is barred because there is no actual or justiciable controversy between Defendant Danielson and Plaintiffs.
15. Plaintiffs have failed to exhaust his administrative remedies.
16. Plaintiffs' claims are barred by the doctrines of res judicata and/or collateral estoppel.
17. Defendant Danielson denies that there existed any warranties, either express or implied, between he and Plaintiffs.
18. Plaintiffs' claims are barred by the doctrine of laches and unclean hands.
19. Plaintiffs' claims against Defendant Danielson are barred by the doctrine of absolute immunity.

#### **Designation of Trial Counsel**

Fred Semrau, Esq., of Dorsey & Semrau, LLC, is hereby designated as trial counsel on behalf of Defendant Danielson.

DORSEY & SEMRAU, LLC  
Attorneys for Defendant, Chief Eric  
Danielson, in his official capacity  
as Chief of Police of Andover Township

By:           /s/      Dawn M. Sullivan            
Dawn M. Sullivan, Esq.

**Local Civil Rule 11.2 Certification**

The undersigned counsel hereby certifies to the best of counsel's knowledge that the within matter in controversy is not the subject of any other action pending in any court or of a pending arbitration or administrative proceeding.

DORSEY & SEMRAU, LLC  
Attorneys for Defendant, Chief Eric  
Danielson, in his official capacity  
as Chief of Police of Andover Township

By:           /s/      *Dawn M. Sullivan*            
Dawn M. Sullivan, Esq.

Dated: June 30, 2016